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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,718	07/03/2003	Aaron Bangor	1033-T00528	7596
60533	7590	11/27/2007	EXAMINER	
TOLER LAW GROUP			PITARO, RYAN F	
8500 BLUFFSTONE COVE				
SUITE A201			ART UNIT	
AUSTIN, TX 78759			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,718

Applicant(s)

BANGOR, AARON

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-18, 20, 21, 24-31, 33, 35, 36, 38, 40, 41, 43, 45 and 47-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-18, 20, 21, 24-31, 33, 35, 36, 38, 40, 41, 43, 45 and 47-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-67 have been examined.

Response to Amendment

2. This action is in response to the Amendment filed 3/26/2007. In the Amendment claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-56 were amended, claims 10,19,22,23,32,34,37,39,42,44,46 were canceled, and claims 57-67 were added as new. This action is FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-54,56-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eudora ("Eudora", "E-mail Attachments in Eudora: How to be a Super Sender") in view of Gangadharan ("Gangadharan", US 2003/0132967) .

As per claim 1, Eudora teaches a system for use in electronically transferring a file, the system comprising: graphical user interface (GUI) comprising: a first user-selectable button having associated text that includes a verbal of "attach" (Pages 2-3, attach document), wherein in response to selection of said first user-selectable button a file is capable of being selected by a user without display of a user-selectable button having associated text that includes the word "browse"(Pages 2-3). Eudora fails to teach a web-based email system hosted by a web server. Gangadharan teaches a GUI associated with a web-based email system hosted by a web server [0010]. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Gangadharan with the system of Eudora. Motivation to do so would have been to provide an email system that could be accessed from anywhere with internet connection.

Claims 2-9,11-18,20 are rejected under similar rationale, as claim 1, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 21, Eudora-Gangadharan teaches a GUI further comprising a second user-selectable button having associated text that includes an imperative for "attach" (Eudora, Page 2, Attach Document).

As per claim 24, Eudora-Gangadharan teaches a GUI wherein the first user-selectable button is to instantiate a GUI element to find at least one file to attach to a message (Eudora, Page 2, dialog box).

As per claim 25, Eudora-Gangadharan teaches a GUI wherein the GUI element comprises a dialog box (Eudora, Page 2, dialog box).

As per claim 26, Eudora-Gangadharan teaches a GUI wherein the first user-selectable button is to initiate a file browser of an operating system (Eudora, Page 3, Find document file dialog screen...).

As per claim 27, Eudora teaches a GUI comprising a first user selectable button having associated text therein that includes "Find File to Attach" (Page 2, Attach document), the first user-selectable button to initiate a file browser of an operating system (Page 2-3, dialog box); and a second user-selectable button having associated text therein that includes "Attach files", the second user-selectable button to initiate attaching one or more files found the file browser (Page 3, Attach button). Eudora fails to teach a web-based email system hosted by a web server. Gangadharan teaches a GUI associated with a web-based email system hosted by a web server [0010]. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Gangadharan with the system of Eudora. Motivation to do so

Art Unit: 2174

would have been to provide an email system that could be accessed from anywhere with internet connection.

Claim 28 is similar in scope to that of claim 27 and is therefore rejected under similar rationale.

Claims 29-31,33,35,36,38,40,41,43,45,47 are rejected under similar rationale, as claim 27, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 48 Eudora-Gangadharan teaches providing a second user-selectable button having associated text that includes an imperative for "attach", wherein said uploading is performed in response to a user selection of the second user-selectable button (Eudora, Page 2-3, Attach document).

Claims 49-50 are rejected under similar rationale as claim 48, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 51, Eudora-Gangadharan teaches a method wherein the GUI element comprises a dialog box (Eudora, Page 2, dialog box).

As per claim 52, Eudora-Gangadharan teaches a method wherein the GUI element comprises a file browser of an operating system (Eudora, Page 2, Mac or PC).

As per claim 53, Eudora-Gangadharan teaches a method wherein the text is included in a tag associated with the first user-selectable button (Eudora, Page 2-3).

As per claim 54, Eudora-Gangadharan teaches a method further comprising displaying the text in response to a mouse-over event associated with the first user-selectable button (Eudora, Page 2-3, inherent tool tip).

Claim 56 is similar in scope to that of claim 27 and is therefore rejected under similar rationale.

As per claim 57, Eudora-Gangadharan teaches a method wherein the GUI further comprises a second user-selectable button, wherein when the second user-selectable button is selected one or more user-designated files are detached from the message (Gangadharan, Figure 3b, item 318 [0038]).

As per claim 58, Eudora-Gangadharan teaches a method wherein the GUI further comprises a third user-selectable button, wherein when the second user-selectable button is selected one or more user-designated files are detached from the email message (Gangadharan, Figure 3b, item 318 [0038]).

As per claim 59, Eudora-Gangadharan teaches a method wherein the file is automatically uploaded after receiving the selection (Eudora, Page 3).

As per claim 60, Eudora-Gangadharan teaches a method comprising, receiving a selection of a plurality of files via the GUI element and upload the plurality of selected files for subsequent electronic transfer (Gangadharan, [0037] Figure 3B).

As per claim 61, Eudora-Gangadharan teaches the system of claim 1, wherein the GUI is rendered within an Internet browser application (Gangadharan, Figure 3B).

As per claim 62, Eudora-Gangadharan teaches the system of claim 61, wherein in response to the selection of the first user-selectable button, the Internet browser application opens up a file browser associated with an operating system (Gangadharan, Figure 3c).

As per claim 63, Eudora-Gangadharan teaches a system of claim 1, wherein upon selection of the file by the user the file is automatically attached to the email message (Eudora, Page 3).

As per claim 64, Eudora-Gangadharan teaches a system wherein the GUI is rendered with an Internet browser application (Gangadharan, Figure 3B).

As per claim 65, Eudora-Gangadharan teaches a system wherein in response to the selection of the first user-selectable button the Internet browser application initiates the file browser of the application (Gangadharan, Figure 3c).

As per claim 66, Eudora-Gangadharan teaches a system wherein the GUI is rendered with in an Internet browser application (Gangadharan, Figure 3B).

As per claim 67, Eudora-Gangadharan teaches a system wherein the GUI element comprises a file browser of an operating system (Gangadharan, Figure 3c).

3. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eudora ("Eudora", "E-mail Attachments in Eudora: How to be a Super Sender") in view of Gangadharan ("Gangadharan", US 2003/0132967).

As per claim 55, Eudora fails to teach audibly displaying text. However OFFICIAL NOTICE is taken that audibly displaying text is notoriously well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the method of Eudora. Motivation to do so would have been to provide a way to communicate text with those with visual impairments.

Response to Arguments

Applicant's arguments with respect to claims 1-9,11-18,20-21,24-31,33,35,36,38,40,41,43,45,47-67 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes that the factual assertion set forth under Official Notice in the previous office action was not contested.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sy D Luu/
Primary Examiner, Art Unit 2174

Ryan Pitaro
Art Unit 2174
Patent Examiner

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